

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

UNITES STATES OF AMERICA)	Cr. No.: 2:12-CR-00232-SB
)	
vs.)	
)	
JONATHAN EDWARDS,)	SENTENCING MEMORANDUM

HISTORY OF THE CASE

The Defendant, Jonathan Edwards, was arrested on March 21, 2012 and released on a \$25,000.00 secured bond on March 28, 2012.

The Defendant pled guilty to a lesser included offense of Count 1 on January 22, 2014 pursuant to the terms of a written Plea Agreement.

The written Plea Agreement included a provision that if the Defendant provided substantial assistance to the United States that the Government would file a motion for a downward departure from the Guidelines Advisory Sentencing. The Defendant at this time and contemporaneous with this Sentencing Memorandum is filing a Motion for a Variance from the Advisory Guidelines and particularly asking the Court to impose a just sentence of supervised released and/or house arrest.

In the most recent Pre Sentencing Investigation Report, the government through the probation officer, Kelly Frye, responded to the timely objections of the Defense as to Paragraph 20 in the Pre Sentencing Report and Paragraph 28 in the Pre Sentencing Report.

The Defense wishes to call to the Court's attention the facts that are specifically related to the finding of the firearm in the room where the Defendant was sleeping. The Court should note that it was in a closet which was not anywhere within the reach of the area where the bed is located. The gun further did not belong to the Defendant but was the weapon of his wife which she had purchased for her own protection. The Defendant never used a weapon in anyway whatsoever involving his drug business and since it was not in close proximity, the adding of the additional two points unnecessarily increases the advisory guidelines range, and the total amount of time which would be served by the Defendant.

After the Defendant's Plea, the Defendant through counsel reached out to the United States and offered assistance in the prosecution of the other individuals who were facing trial. Many telephone calls were made to the United States Attorney, both

the present United States Attorney, Sean Kittrell, as well as conversations were had with Peter Phillips, who previously was the United States Attorney handling the case. For a substantial period of time there was minimal contact between the investigative office of the United States Attorney and the Defendant though ultimately a debriefing occurred at which point Mr. Edwards answered each and every question which was asked of him and offered assistance to not only the trial but in other matters concerning the drug trade in Colleton County.

For a period of time it looked as though Mr. Edwards would be called as a witness at trial but ultimately he never had to do so. It is believed that his making himself available and the fact of the successful prosecution by the United States of the balance of the Defendants in this particular case, the Defendant has in fact earned a variance from the advisory guidelines range noted in the Pre Sentencing Report.

Mr. Edwards as a person has substantially grown since his arrest and being released on bond. It needs to be noted that he has not had any additional problems in anyway whatsoever. He has been out on bond since March 28, 2012 without incident. He has worked during that period of time, he has a wife and children and has supported them. He has acted in a reasonable fashion and has been a successful member of society. The problems which he had in the past, though serious, have not been magnified during this period of time which he was out on bond. Effectively he has been out on bond for more than three and one-half (3.5) years. This gives an indication of what will happen in the future as it relates to him.

The Defense believes that his actions over the past years speaks volumes as to the opportunity for him to be a successful member of society.

SENTENCING FACTORS

In reviewing the Sentencing factors of 18 USC §3553 it is respectfully submitted that a sentence of supervised release/house arrest would be appropriate in the Defendant, Jonathan Edwards, case. Most importantly is the fact that Mr. Edwards understands the seriousness of the charge and by his 3.5 years of his not being involved in any crimes whatsoever shows that he has taken steps to correct his behavior. The steps taken by him include clean living and working and supporting his family. He has support in the community as well as contacts within the community which bode well for his future.

It cannot be understated what he has done after his guilty plea, as likewise it cannot be understated as to his prior criminal history. Mr. Edwards is well aware of his prior criminal history and how, under the Guidelines, it would drive his sentence. However, it is hoped that in light of his turn-a-round and his potential for additional work for the United States, that a sentence which allows him to remain in the area, have contact with his family and continue supporting them while being under Federal

supervision would be the most economical use of scarce resources, an effective use of the Mr. Edwards, and also beneficial to the community.

In summation, it would not violate the conscious of the Court to award the sentence requested. The obvious rehabilitation that has occurred in the life of Mr. Edwards within the past 3.5 years while awaiting sentence, the offer to assist the government, and the saving of taxpayers money should be considered by the court in imposing its sentence of the Defendant, Jonathan Edwards.

Respectfully Submitted

By: /s/ Walter S. Ameika, Jr.
Walter S. Ameika, Jr.
2170 Ashley Phosphate Road, Ste. 620
North Charleston, SC 29406
FED I.D. #941
ATTORNEY FOR THE DEFENDANT
JONATHAN EDWARDS

North Charleston, South Carolina
Dated: December 1, 2015